Death Penalty Awarded by Panchayats

*116. MISS SAROJ KHAPARDE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware that some Panchayats in the country particularly in U.P. are imposing death penalty in a very cruel manner thereby taking law into their hands;

(b) if so, the details thereof for the last five years, year-wise; and

(c) the action Government propose to take to prevent such barbarous adminsitration of justice by Panchayats in the country, particularly in U.P.?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (c) No case has come to notice where an elected Panchayat, which has come into existence by virtue of the Constitution (Seventy-third Amendment) Act, 1992, has imposed death penalty either in Uttar Pradesh or elsewhere in the country.

2. The Pancyayats referred to in the question appear to be the caste/community Panchayats which have no legal sanctity. According to information received from the Govrnment of Uttar Pradesh, one such Pancyayat in village Khandrawali, district Muzaffarnagar, had, in 1993, imposed death penalty on a boy and a girl who were in love with each other. A case under section 302 IPC was registered in connection with this matter. The chargesheet was filed in the Court on 6.9.1993. On 10.11.1995, the Court sentenced all the nine accused persons in the case to death. Their appeal against the said order is pending in the High Court.

3. 'Police' and 'Public Order' are State subjects as per the Seventh Schedule to the Constitution of India and, as such, the registeration, investigation, detection and prevention of crime is essentially the responsibility of the State Governments. However, the Central Government has been sending advisories to the State Government, from time to time, to improve the functioning of their criminal justice system. The Central Government has also been extending financial assistance to the State Governments for strengthening their policing infrastructure.

Gubernatorial appointments by Caretaker Government

*117. SHRI SHIV CHARAN SINGH:
SHRI GOVINDRAM MIRI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a caretaker Government is competent and to make Gubernatorial appointments and to announce award of Bharat Ratna;

(b) if so, the details of provisions that authorise it to do so;

(c) what are the details of such actions taken by the last caretaker Government during the elections for Lok Sabha; and

(d) if not, validity of such appointments and conferments made by the last caretaker Government?

THE MINISTER OF HOME AFFAIRS (SHRI . K. ADVANI): (a) to (d) Article 155 of the Constitution of India provides that the Governor of a State shall be appointed by the President by warrant under his hand and seal. According to article 74 of the Constitution of India, there shall be a council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice. The constitution of India does not differentiate between a regular Prime Minister/Government and a Caretaker Prime Minister/Government. In fact, the expression 'Caretaker Prime Minister' or 'Caretaker Government' does not occur in the Constitution of India.

2. According to the regulations made by the President, the decoration Bharat Ratna is awarded for exceptional service towards the advancement of Art, Literature and Science, and in recognition of public service of the highest order. The ward is conferred by the President by a Sanad under this hand and seal. The recommendation for the award of Bharat Ratna is made by the Prime Minister.

3. After the dissolution of the Lok Sabha on 4.12.1997, the Central Government, which had earlier tendered its resignation, had made two gubernatorial appointments, besides announcing two Bharat Ratna awards.